

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD E. WEAVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
	)	1:04CV1068
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

On May 13, 2010, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, counsel for Plaintiff objected to the Recommendation.

The court has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's motion for summary judgment seeking a reversal of the Commissioner's decision [Doc. 20] be **DENIED**, that Defendant's motion for judgment on the pleadings [Doc. 22] be **GRANTED**, that the Commissioner's decision finding no disability be **AFFIRMED**, and that this action be

**DISMISSED** with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

William L. Ostun, Jr.  
United States District Judge

October 13, 2010